

**City of Gardner  
Conservation Commission**



**Minutes of the Meeting of  
April 25, 2016, 6:30 p.m.  
Second Floor Meeting Room, City Hall Annex**

**Members present:**

Norman Beauregard, David Beauregard, Duncan Burns, Jane Cullen, Chairman Greg Dumas, Donna Lehtinen, and David Orwig. Also present was Conservation Agent Jeff Legros.

**Members absent:**

None

**PUBLIC HEARINGS**

**6:30** Chairman Dumas opened the joint Public Hearing under MGL, Ch. 131, § 40, Wetlands Protection Act and the City of Gardner Wetlands Protection Ordinance on the **Notice of Intent** filed by **Jamison Van Dyke** (builder), 252 Goddard Road, Rindge, NH, on behalf of Hakala Bros Corp. (owner), for construction of a new Single Family Home at Timpany Boulevard (R07-11-4).

Paul Grasewicz, Graz Engineering, representing Mr. Van Dyke described the project to include the construction of a new home and associated septic system, well, and site grading. The project involves work within the 100-foot buffer zone of a Wetland Resource Area, Bordering Vegetated Wetlands. The home and septic system will be located outside of the 60-foot 'No Build' zone with some associated site grading to occur up to approximately 55-feet from the wetland. No work will occur within the 30-foot 'No Disturb' zone. An Order of Conditions was previously issued for this site which has since expired.

Agent Legros referenced Mass DEP comments related to this project that the work within the 100-year Flood Zone, corresponding to Bordering Land Subject to Flooding, is subject to the Performance Standards within 310 CMR 10.57, including compensatory storage. The boundary of the 100-year Flood Zone should be depicted on the plan.

Mr. Grasewicz stated that the new plan submitted prior to the meeting and presented to the Commission includes the 100-year Flood Zone boundary delineation. Further, he stated that no work would occur within that zone.

**6:37** A motion was made by J. Cullen to close the hearing. The motion was seconded by D. Beauregard and voted unanimously all in favor.

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**6:38** Chairman Dumas asked for permission to go out of order in the interest of time. There was no opposition from the attendees or Commission members.

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**6:46** Chairman Dumas opened the joint Public Hearing under MGL, Ch. 131, § 40, Wetlands Protection Act and the City of Gardner Wetlands Protection Ordinance on the **Notice of Intent** filed by **Nelson Austin**, 14 Watkins Street, for construction of a new addition to an existing bathroom at 14 Watkins Street.

Mr. Austin describe the proposed work to include the construction of a new addition approximately 7-feet x 8-feet. The project involves work within the 100-foot buffer zone of a Wetland Resource Area, the bank of Parker Pond. The addition will be located outside of the 60-foot ‘No Build’ zone. No work will occur within the 30-foot ‘No Disturb’ zone.

Agent Legros referenced Mass DEP comments recommending that rooftop runoff be directed horizontally (parallel) to the pond following the existing gradient contour and allowed to recharge or infiltrate through the use of a French drain or gravel infiltration area.

**6:52** A motion was made by N. Beauregard to close the hearing. The motion was seconded by D. Lehtinen and voted unanimously all in favor.

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**6:53** Chairman Dumas opened the joint Public Hearing under MGL, Ch. 131, § 40, Wetlands Protection Act and the City of Gardner Wetlands Protection Ordinance on the **Notice of Intent** filed by Conrad Donell, Trustee Sunshine Realty Trust, 106 Lancaster Road, Shirley, MA, for remediation of a Wetland and Certified Vernal Pool and its associated protective buffer zone as required by an enforcement order issued by the Gardner Conservation Commission under the Gardner Wetlands Protection Ordinance (City Code 650).

Mr. Crossman, Wetland Scientist representing Sunshine Realty Trust, described the proposed work to include the restoration of disturbed wetland areas and Certified Vernal Pool habitat and the entire 100-foot “No Disturb” protective zone of the certified vernal pool. The work will consist of re-planting native vegetation and any necessary physical and biological soil remediation required or necessary to restore the original function and values. The vegetation within and adjacent to the wetland, Certified Vernal Pool, and the buffer zone were cut in violation of an existing Order of Conditions (DEP #160-0511) and the Gardner Wetlands Protection Ordinance (City Code 650).

The Commission asked for a clarification of the area included in the restoration and suggested a site visit to confirm boundaries. The Commission asked Mr. Donell and Crossman to stake the boundary of the restoration area in advance of the site visit. Agent Legros will coordinate the site visit with Mr. Donell, Mr. Crossman, and the Commission members.

- 7:25** A motion was made to continue the hearing until the next meeting pending a site visit to review the delineated restoration area. The motion was seconded by D. Beauregard and voted unanimously all in favor.
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## **MEETING**

### **Order of Conditions**

- 6:38** A motion was made by D. Beauregard to issue an Order of Conditions to Jamison Van Dyke for Timpany Boulevard (R07-11-4) with special conditions to inspect silt fence, install new silt fence if damaged, install straw wattles, ensure wetlands are clearly delineated with visible flagging, keep all work *and* grading outside of the 60-foot 'No Build' zone to ensure that work is outside of the Bordering Land Subject to Flooding Resource Area. The motion was seconded by D. Lehtinen and voted unanimously all in favor.
- 6:52** A motion was made by N. Beauregard to issue a Standard Order of Conditions to Nelson Austin, 14 Watkins Street, for construction of a new addition to an existing bathroom at 14 Watkins Street. The motion was seconded by D. Lehtinen and voted unanimously all in favor.

### **Minutes**

- 7:25** A motion was made by D. Beauregard to approve the Meeting Minutes of April 11, 2016. The motion was seconded by D. Lehtinen and voted unanimously all in favor.

### **Guests & Visitors**

**Paul Grasewicz, PE**, Graz Engineering; **Robert Charles**, Barkley Enterprises; **Nelson Austin**, Resident, 14 Watkins Street; **Dane Arnold**, City of Gardner, DPW Director.

### **Presentations**

None

### **Request for Determination of Applicability**

- 7:25** The Gardner Conservation Commission resumed the joint Public Meeting under MGL, Ch. 131, § 40, Wetlands Protection Act and the City of Gardner Wetlands Protection Ordinance on the **Request for Determination of Applicability** filed by **Pan Am Railways**, represented by Keith Morris, Environmental Consultant, related to work located along the Pan Am Railways Right-of-Way, to be conducted under a Vegetation Management Plan (VMP). The Commission shall determine whether the boundaries of resource areas depicted on the plan and/or maps are accurately delineated.

Agent Legros again notified the Commission on behalf of the applicant that a site visit has not yet been able to be scheduled despite multiple requests. Mr. Morris has requested that the Commission continue this RDA meeting until a site visit

can be coordinated and conducted with himself, the agent, and a representative of Pan Am Railways.

**7:27** A motion was made by J. Cullen to continue the RDA (#2016-3-8) meeting for Pan Am Railways until a site visit has been conducted by the Conservation Agent to confirm resource area delineations. The motion was seconded by N. Beauregard and voted unanimously all in favor.

**6:38** The Gardner Conservation Commission resumed the joint Public Meeting under MGL, Ch. 131, § 40, Wetlands Protection Act and the City of Gardner Wetlands Protection Ordinance on the **Request for Determination of Applicability** filed by the **City of Gardner DPW** for work at Fredette Steet and Wilkins Road and within the Buffer Zone of a Bordering Vegetated Wetland.

DPW Director Dane Arnold described the work to be conducted consisting of maintenance of existing drainage swales and trenches through removal of accumulated sand and sediments, regrading, revegetating swales and relining trenches with gravel or tailings.

It was the consensus of the Commission that this work is general and necessary roadway maintenance and will not negatively affect nearby Resource Areas.

**6:45** A motion was made by N. Beauregard to issue a Negative Determination #3 with a condition to notify the Agent prior to the commencement of work. The motion was seconded by D. Beauregard and voted unanimously all in favor.

**7:28** The Gardner Conservation Commission will hold a joint Public Meeting under MGL, Ch. 131, § 40, Wetlands Protection Act and the City of Gardner Wetlands Protection Ordinance on the **Request for Determination of Applicability** filed by Nick Troiano, 48 Sylvan Rd., for work at 48 Sylvan Rd. and within the Buffer Zone of a Bordering Vegetated Wetland.

Mr. Troiano described the work to consist of extension of an existing patio and construction of a shed. He presented maps showing multiple wetland delineations from previous projects and GIS map data from the City of Gardner Website. Mr. Troiano proposed to keep all work outside of the 60-foot 'No Build' Zone and to ensure this by reducing the size and changing the location of the proposed shed.

**7:55** A motion was made by N. Beauregard to issue a Negative Determination pending a new plan showing the reduced shed size and location/proximity. The motion was seconded by D. Beauregard and voted unanimously all in favor.

**Request for Certificate of Compliance**

None

### **Enforcement Order**

**7:56** Sunshine Realty Trust, Conrad Donell Trustee, Sapphire Park at Pearl Street and Shawn Avenue (*Continued from Meeting of April 11, 2016*):

- Status Update: Notice of Intent – Vernal Pool Violation Remediation

A site visit is pending with the Commission to review the restoration area.

- Peer Review – Phase II

Peer review needs will be assessed by the Commission pending a site visit upon staking of the restoration area.

### **Emergency Certification**

**7:58** 736 Clark Street – Septic System Repair/Replacement (per 310 CMR 10.06)

**7:59** A motion was made by N. Beauregard to ratify the Emergency Certification issued by Agent Legros on April 19, 2016 for 736 Clark Street Septic System Repair as proposed by plans signed and stamped by Paul Grasewicz, PE. The motion was seconded by D. Beauregard and voted unanimously all in favor.

### **New Business**

- **Upcoming projects and WPA Filings**

Agent Legros updated the Commission on upcoming filings and WPA activities.

- **Conservation Grant Applications – Status Updates**

Agent Legros updated the Commission on the status of grant applications. The Landscape Partnership Grant has been awarded and planning for the acquisition of conservation lands between Winchendon and Gardner off of Clark and Howard Streets has begun. The Recreational Trails Grant and Forest Stewardship Implementation Grants are still pending – no announcements or awards have been made.

- **Report of possible work within wetlands - 804 Whitney Street**

Agent Legros has investigated the matter and could not confirm any major work within or adjacent to a wetland. A letter will be sent to the property owner informing him of the Wetlands Protection Act and filing requirements for work within 100-feet of a wetland.

### **Old Business**

- Pitcherville Road, Hubbardston – Non-hazardous fill (potential project)

No update is available at this time.

## **Adjournment**

**8:05** Motion to adjourn was made by J. Cullen. The motion was seconded by D. Lehtinen and voted unanimously all in favor of adjournment.

Respectfully submitted,

Jeffrey D. Legros, Conservation Agent

All materials used at the meeting are available for viewing at the office of the Conservation Agent, Room 202 of the City Hall Annex.

Minutes are available as follows:

- Minutes are available on the City of Gardner website ([www.gardner-ma.gov](http://www.gardner-ma.gov)) under Conservation Commission.
- By appointment or request in Conservation Agent's office, Room 202 of the City Hall Annex
- Community Development & Planning office, Room 201 of the City Hall Annex